



1 his activities. Thereafter, Mr. Yang evaded law enforcement, who were actively looking for him,  
2 for six days until he surrendered. Although Mr. Yang's counsel proffered that the delay was  
3 occasioned by Mr. Yang's search for counsel, the Court finds that the substantial delay between  
4 the night of the operation and his surrender evidences Mr. Yang's risk of flight. It should be  
5 noted that during the six day period, he received calls from his brother-in-law, wife and FBI;  
6 Yang was aware of his wife's arrest, yet did not contact or submit to the authorities.

7 2. Mr. Yang had access to large amounts of cash. At the hearing, the government proffered  
8 that (a) Mr. Yang had issued approximately \$460,000 worth of checks for apartments at the  
9 Golden Gateway Center in San Francisco from April 2004 to May 2005; and (b) Mr. Yang was  
10 involved in moving \$300,000-500,000 out of the country.

11 3. Mr. Yang has connections to and facility with alien smuggling. Both the Indictment and  
12 the government's proffer indicate Mr. Yang's involvement in transporting, harboring and  
13 smuggling Korean females into the United States allegedly to work in brothels. Because of these  
14 connections Mr. Yang appears to have access to people and/or networks that could facilitate his  
15 flight out of the United States.

16 4. Mr. Yang is facing significant time in custody. He is charged with two counts of sex  
17 trafficking, each of which carries a maximum term of life in prison, and therefore has a  
18 substantial incentive to flee.

19 5. Although Mr. Yang has significant ties to the community, including his family, home and  
20 friends, given the above factors, the Court concludes the government has demonstrated by a  
21 preponderance of evidence that Mr. Yang presents a flight risk that cannot be reasonably  
22 ameliorated by any available set of conditions. Mr. Yang's business, his financial tie to this  
23 community, is jeopardized by the instant prosecution. The equity in his home is pledged as  
24 collateral for Mrs. Yang's bond. The Court notes that although his sister-in-law was initially  
25 willing to sign as surety, she no longer is, allegedly because she was subpoenaed by the Grand  
26 Jury after signing for Mr. Yang. Mr. Yang presented no other sureties, other than a pastor and  
27 one friend. The government contends Mr. Yang rarely slept at his house. Mr. Yang has  
28 significant family ties to Korea.

1 Accordingly, pursuant to Title 18, U.S.C. § 3142 (i), the Court hereby orders the  
2 defendant detained. The Court further orders that defendant be committed to the custody of the  
3 Attorney General for confinement in a corrections facility separate, to the extent practicable,  
4 from persons awaiting or serving sentences or being held in custody pending appeal. (18 U.S.C.  
5 § 3142(i)(2)). The Court orders that defendant be afforded reasonable opportunity for private  
6 consultation with counsel. (18 U.S.C. § 3142(i)(3)). The Court orders that, on further order of a  
7 court of the United States or on request of an attorney for the Government, the person in charge  
8 of the corrections facility in which defendant is confined deliver defendant to a United States  
9 Marshal for the purpose of an appearance in connection with a court proceeding. (18 U.S.C. §  
10 3142(i)(4)).

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12 IT IS SO ORDERED.

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14 DATED: August 3, 2005

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17 EDWARD M. CHEN  
18 United States Magistrate Judge  
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